

K&L GATES LLP
10100 Santa Monica Boulevard
Eighth Floor
Los Angeles, California 90067
Telephone: 310.552.5000
Facsimile: 310.552.5001

Christina N. Goodrich (SBN 261722)
christina.goodrich@klgates.com

Attorneys for Defendants
WeWoreWhat LLC, Onia, LLC and
Danielle Bernstein

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV COLLECTION LLC, a New York limited liability company, d/b/a The Great Eros,

Plaintiff,

vs.

WE WORE WHAT, LLC, et al.,

Defendants.

Case No. 2:20-cv-10290-RGK-AS

**DEFENDANTS WE WORE WHAT LLC,
ONIA, LLC AND DANIELLE
BERNSTEIN'S MOTION AND
NOTICE OF MOTION TO DISMISS,
STAY, OR TRANSFER**

DATE: March 1, 2021

TIME: 9:00 am

CTRM: 850

COMPLAINT FILED: November 10, 2020

JUDGE: HON. R. GARY KLAUSNER

1 TO THE COURT, THE PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on March 1, 2021 at 9:00 am, or as soon
3 thereafter as may be heard, Defendants WeWoreWhat, LLC (“WeWoreWhat”), Onia,
4 LLC (“Onia”), and Danielle Bernstein (“Bernstein”) (collectively, “Defendants”) will,
5 and hereby do, seek an order dismissing, staying, or transferring this action to the
6 Southern District of New York.

7 This Motion is made on the grounds that venue is improper pursuant to Federal
8 Rule of Civil Procedure 12(b)(3) and the complaint should be dismissed.

9 Alternatively, the first-to-file rule allows this Court to dismiss, stay, or transfer this
10 Action in favor of a previously filed related action that is currently pending in the
11 Southern District of New York, *WeWoreWhat, LLC and Onia, LLC v. CV Collection,*
12 *LLC d/b/a The Great Eros*, No. 1:20-cv-08623 as (1) Defendants’ Southern District of
13 New York Action was filed before this Action; (2) both actions involve the same
14 parties; and (3) both actions involve the same issues.

15 This Motion is also made on the grounds that if the Court does not dismiss the
16 case pursuant to Rule 12(b)(3), or dismiss, stay, or transfer this Action based on the
17 first-to-file rule, then transfer is appropriate under 28 U.S.C. § 1404(a) because the
18 interests of justice together with the convenience of the parties and witnesses
19 demonstrate that the Southern District of New York is an appropriate and convenient
20 forum.

21 This Motion is based on this Notice of Motion, the attached Memorandum of
22 Points and Authorities, the Declaration of Christina N. Goodrich and supporting
23 exhibits, the pleadings and records on file in this case, and upon such arguments as
24 may be presented to the court.

25 This motion is made following the conference of counsel pursuant to L.R. 7-3
26 which took place on numerous occasions, including on at least January 12, 14, 15, 20,
27 and 22, 2021. In follow up to a conference, on January 15, 2021, a draft of
28 Defendants’ memorandum in support of Defendants’ motion to dismiss, stay, or

1 transfer was sent to Plaintiff along with a request for an additional meet and confer.
2 The parties again conferred on January 20, 2021. The parties were unable to resolve
3 the dispute to avoid the need to file this motion.

4
5 DATED: January 25, 2021

K&L GATES LLP

6 By: /s/ Christina N. Goodrich
7 Christina N. Goodrich

8 Attorney for Defendants
9 WeWoreWhat LLC, Onia, LLC and
Danielle Bernstein

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28